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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/723,676	11/26/2003	Charles Cameron Brackett	133158FT/YOD GEMS:0232	8887
68174	7590	06/09/2009	EXAMINER	
GE HEALTHCARE c/o FLETCHER YODER, PC P.O. BOX 692289 HOUSTON, TX 77269-2289			WOODS, TERESA S	
			ART UNIT	PAPER NUMBER
			3686	
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			06/09/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/723,676

Applicant(s)

BRACKETT ET AL.

Examiner

TERESA WOODS

Art Unit

3686

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-31 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/ISD)
- Paper No(s)/Mail Date _____

- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on 11/26/2003, and subsequent preliminary amendment filed on 03/09/2009.
2. Claims 1-31 are currently pending and have been examined.

Response to Arguments

Applicant's remarks have been fully considered and found persuasive; therefore, the Examiner has withdrawn the previous rejection under 35 USC § 102(b). The Examiner has entered a new rejection under 35 USC § 103(a) and applied art already of record. Applicant's arguments are now moot in view of the new grounds of rejection.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. Claims 1, 2, 4, 5, 14, 18, 19, 24, 25, 27, 28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Campbell (US 6,047,259 A) in view of Teshima (US 6,272,470 B1).

6. Claim 1:

Campbell as shown discloses the following limitations: discloses the limitations as shown in the rejections above.

- *accessing patient information at a compilation workstation from one or more systems* (see at least column 1, lines 62-64);
- *entering the patient information into the digital file*(see at least column 6, lines 60-63) ;
- *storing the digital file onto a machine readable medium*(see at least column 6, lines 48-55) ;

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *a digital file encapsulating patient information of one or more formats and generated by* (see at least Fig. 2, column 4, lines 24-42, column 6, lines 44-65);

In the first citation, both FTP (File Transfer Protocol) and DICOM (digital Imaging & Communication Medicine) serve as the formats for encapsulating digital patient files.

- *loading the digital file at one or more remote client workstations* (see at least Fig. 1, column 3, lines 35-42).

Here, the patient accessing data files is done remotely. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with patient updated information of Campbell with Teshima's remotely accessed, digital file handling system because it would quickly forward patient data to designated diagnosticians to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

7. Claim 2:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *wherein the one or more formats of the patient information is at least one of text, an image, a waveform, audio, and a hypertext link.*
(see at least column 1, line 64 to column 2, lines 4);

8. Claim 4:

Campbell, as shown, discloses the following limitations:

- *assembling the patient information into a digital file* (see at least Fig. 2, column 1, line 64 to column 2, line 4);
- *storing the digital file onto a machine readable medium*(see at least column 6, lines 48-55);
- *accessing the digital file at one or more client workstations*(see at least Fig. 2, column 5, lines 35-46);

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *accessing patient information of one or more formats from one or more systems to a compilation workstation* (see at least Fig. 2, column 4, lines 24-42);

Here, the patient accessing data files is done remotely. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with patient updated information of Campbell with Teshima's remotely accessed, digitally formatted system because it would quickly forward patient data to designated diagnosticians to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

9. Claim 5:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *further comprising electronically transmitting the digital file to a client* (see at least Fig. 1, 2, column 10, lines 64-67, column 21, lines 25-31).

10. Claim 14:

Campbell, as shown, discloses the following limitations:

- *configuring an electronic template at a compilation workstation to receive patient information of one or more formats from one or*

more systems. (see at least Fig. 2, 3, 4, 5, 6, column 12, lines 13-20);

- *receiving and encapsulating the patient information in the electronic template and compiling a multi-media patient summary (see at least column 6, lines 47-55) ;*
- *displaying the multi-media patient summary at one or more remote client workstations. (see at least Fig. 2, column 5, lines 38-43);*

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *storing the multi-media patient summary on a machine readable medium (see at least column 4, lines 56-65, column 5, lines 35-62);*

In the first citation, the computer serves as the machine readable medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with patient updated information of Campbell with Teshima's machine readable medium because it would quickly access patient data to designated diagnosticians to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

11. Claim 18:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *further comprising viewing one or more patient information images compiled in the multi-media patient summary (see at least Fig. 14, column 20, lines 61-65);*

12. Claim 19:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *further comprising viewing one or more patient information waveforms compiled in the multi-media patient summary (see at least Fig. 2, 13, 14, column 20, lines 55-65).*

13. Claim 24:

Campbell, as shown, discloses the following limitations:

- *at least one compilation workstation configured to receive patient information of one or more formats from one or more sources (see at least Fig. 1 and 2);*

- *at least one compilation workstation configured to assemble and encapsulate the patient information into a digital file(see at least Fig. 1 and 2) ;*
- *at least one client workstation capable of accessing the digital file (see at least Fig. 1 and 2).*

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *at least one compilation workstation configured to store the digital file on at least one machine readable medium (see at least column 4, lines 56-65, column 5, lines 35-62) ;*

In the first citation, the computer serves as the machine readable medium. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with patient updated information of Campbell with Teshima's machine readable medium that stores digital files because it would be accessible patient data designated to diagnosticians in a timely manner to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

14. Claim 25:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *wherein the format of the patient information is at least one of text, an image, a waveform, audio, and a hypertext link. (see at least column 1, line 64, to column 2, line 4);*

15. Claim 27:

Campbell, as shown, discloses the following limitations:

- *means for accessing patient information of one or more formats from one or more systems file (see at least Fig. 1-6);*
- *means for assembling the patient information into an electronic file capable of encapsulating patient information having different formats (see at least column 1, lines 64 to column 2, line 4);*

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *means for storing the electronic file (see at least Abstract, Fig. 2, column 3, lines 53-61, column 7, lines 37-42).*

In the second citation, the computer serves as the means for storing electronic files. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with

patient updated information of Campbell with Teshima's means for storing electronic files because it would be accessible patient data designated to diagnosticians in a quick manner to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

16. Claim 28:

Campbell, as shown, discloses the following limitations:

- *a routine for receiving patient information of one or more formats from one or more systems at to one or more compilation workstations (see at least Fig. 3-5, column 4, lines 2-6) ;*
- *a routine for storing the digital file onto one or more machine readable media(see at least Fig. 1, column 4, lines 43-46);*
- *a routine for loading the digital file at one or more client workstations(see at least Fig. 2, column 5, lines 33-43);*

Campbell does not disclose the following limitation; however Teshima, as shown below does:

- *a routine for assembling and encapsulating the patient information into a digital file(see at least Fig. 3, Fig. 4, column 9, lines 39-60) ;*

Here, the consultation record is the patient information that is assembled and encapsulated into digital data files. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to combine the accessible database with patient updated information of Campbell with Teshima's digital file routine because it would be accessible patient data designated to diagnosticians to have improved the efficiency of the system, since so doing could be performed readily and easily by any person of ordinary skill in the art, with neither undue experimentation, nor risk of unexpected results.

17. Claim 30:

Campbell and Teshima disclose the limitation mentioned above. Teshima does not disclose the following limitations. However, Campbell further discloses, as shown in the following limitations:

- *wherein the format of the patient information is at least one of text, an image, a waveform, audio, and a hypertext link (see at least column 1, line 64 to column 2, line 4);*

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Teresa Woods** whose telephone number is **571.270.5509**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Jerry O'Connor** can be reached at **571.272.6787**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

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/T. W./
Examiner, Art Unit 3686
06/01/09

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